

SOCIAL SECURITY ADMINISTRATION (SSA)**Statement of Regulatory Priorities**

The Social Security Administration (SSA) administers the retirement, survivors, and disability insurance programs under title II of the Social Security Act (the Act) and the supplemental security income (SSI) program under title XVI of the Act. For the most part, SSA's regulations do not impose burdens on the private sector or on State or local governments. Our regulations codify the requirements for entitlement to benefits under the programs we administer.

SSA's eight entries for The Regulatory Plan represent areas of major importance in benefit program administration of the retirement, disability, and supplemental security income programs.

In response to the Reinventing Government Initiative to create a Federal Government that works better and costs less, SSA lists three regulatory initiatives. Cycling Payment of Social Security Benefits for future beneficiaries is designed to pay social security benefits on several payment dates each month instead of making all the payments on the same date, as is our current practice. The current use of one payment date creates a workload spike each month for SSA, for other Federal agencies, and for financial institutions and other businesses which participate in or depend on issuance of social security benefits. Spreading the issuance of benefit payments throughout the month and reducing workload spikes for SSA and others will result in better service to our customers. We expect that our customers will have better access to SSA personnel and services in our field facilities and through use of our national 1-800 teleservice network. Current beneficiaries can expect to continue to receive their benefit payments on the third of each month. The additional payment dates will be assigned to new beneficiaries as their benefit awards are processed.

Our second entry related to a Reinventing Government Initiative is Enumeration of Aliens With the Immigration and Naturalization Service (INS). The goal of this process is to coordinate services to customers who, under current procedures, must deal with multiple Federal agencies to establish their status as alien residents of the United States. The proposed regulatory authority would support a pilot project with INS whereby it would

transmit data to SSA electronically so that SSA can issue social security numbers to certain resident aliens.

Our third entry related to a Reinventing Government Initiative is the Elimination of Mandatory Annual Earnings Reports. These regulations, proposed in the spirit of improved service to the public, concern beneficiaries who are under age 70 and who work and earn more than the applicable exempt amount. Currently, these beneficiaries are required to report their earnings to the Social Security Administration (SSA) within 3 months and 15 days following the close of their tax year (usually April 15). Under these proposed rules, beneficiaries, in most instances, will not have to file a report. Instead, we will consider the W-2 report filed by the employer with SSA or the self-employment income tax return filed by the beneficiary with the Internal Revenue Service to be the report of earnings. We will use the information (wages and net earnings from self-employment) contained in those reports to adjust benefits under the earnings test.

SSA is currently testing elements of a reengineered disability process that, when fully tested and implemented, will prove that complex Government operations can deliver dramatically better customer service at a lower cost. Successful implementation of the reengineered disability process is one of the highest priorities of the Social Security Administration. Four of SSA's eight regulations on The Regulatory Plan implement parts of the Disability Redesign.

Three of our entries implement several proposals of our Process Unification Initiative. The aim of the Process Unification Initiative is to foster use of the same adjudicative standards by disability adjudicators at all levels of adjudication. The first, Weight of Disability Determination Service (DDS) Medical Consultant Opinions, will define the specific weight to be given to DDS medical consultant opinions in hearing decisions. The second, Assessment of Residual Functional Capacity, will clarify the guidelines in our regulations used in determining whether an individual lacks the capacity to perform less than a full range of sedentary work. The third, Quality Review of Administrative Law Judges' Decisions, provides for a preeffectuation review of decisions made by Office of Hearings and Appeals (OHA) administrative law judges. Favorable decisions that appear to be unsupported by the evidence of record

will be forwarded to the OHA Appeals Council for review in accordance with 20 CFR 404.970 or 416.1470.

The fourth regulatory initiative related to Disability Redesign, Prehearing Procedures and Decisions by Adjudication Officers, will establish the position of an adjudication officer who will be the focal point for all prehearing activities when a request for a hearing before an ALJ is filed. These procedures are currently being tested in a number of locations throughout the United States. We plan to publish regulations to implement the procedures nationally only after completion of testing and evaluation of the test procedures.

We are also including in this year's Plan regulations which will implement provisions of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform), Public Law 104-193. The changes modify the standard of disability for children under the Supplemental Security Income program.

Consistent with the President's Regulatory Reinvention Initiative, we are working diligently to improve our program benefit regulations and to develop partnerships with large segments of the community of stakeholders interested in Social Security programs. We expect that the partnerships will contribute to the successful development of our Regulatory Plan entries.

SSA**PROPOSED RULE STAGE****149. PERMIT DEPARTMENT OF STATE AND IMMIGRATION AND NATURALIZATION SERVICE TO COLLECT INFORMATION NEEDED TO ASSIGN SOCIAL SECURITY NUMBERS TO ALIENS (569P)****Priority:**

Other Significant

Reinventing Government:

This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority:

42 USC 405; 42 USC 1383

CFR Citation:

20 CFR 422.103; 20 CFR 422.106; 20 CFR 422.107; 20 CFR 422.110

Legal Deadline:

None

Abstract:

Aliens will apply for Social Security cards at the same time they complete Immigration and Naturalization Services (INS) paperwork. Currently, alien applicants are required to furnish almost the same information to both SSA and INS. This one-stop service will reduce the potential for issuing social security cards based on fraudulent INS documents, and will result in efficiencies for the Government.

Statement of Need:

This regulation is necessary to implement a Reinventing Government initiative.

Summary of the Legal Basis:

These changes are not required by statute or court order.

Alternatives:

None.

Anticipated Costs and Benefits:

We will need to reimburse INS for the enumeration work they perform. We estimate that there is a 20% greater efficiency to the government if INS gathers the information to enumerate these applicants. After reimbursing INS, we expect to save approximately \$13 million for the period 1998 - 2002.

Risks:

At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
NPRM	02/00/97	

Small Entities Affected:

None

Government Levels Affected:

Federal

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SSA**150. • ASSESSMENT OF RESIDUAL FUNCTIONAL CAPACITY (599P)****Priority:**

Other Significant

Legal Authority:

42 USC 423; 42 USC 405(a); 42 USC 902(a)(5)

CFR Citation:

20 CFR 404.1500, app2

Legal Deadline:

None

Abstract:

This rule would make minor clarification to the Social Security Medical-Vocational guidelines used to evaluate disability in individuals under age 50 who have severe impairments that do not meet or equal the criteria of any listed impairment but have a residual functional capacity for no more than the full range of sedentary work. The guidelines are contained in appendix 2 of Subpart P of 20 CFR 404.

Statement of Need:

This regulation is necessary to implement one of several process unification initiatives approved by the Commissioner on July 8, 1996.

Summary of the Legal Basis:

None.

Alternatives:

None.

Anticipated Costs and Benefits:

Since these regulations merely clarify existing policy, they impose no additional program or administrative costs.

Risks:

None--Because the only purpose of these regulations is to clarify existing policy.

Timetable:

Action	Date	FR Cite
NPRM	03/00/97	
Final Action	09/00/97	

Small Entities Affected:

None

Government Levels Affected:

None

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SSA**151. • ELIMINATION OF MANDATORY ANNUAL EARNINGS REPORTS (592P)****Priority:**

Other Significant

Reinventing Government:

This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority:

42 USC 403; 42 USC 902

CFR Citation:

20 CFR 404.452

Legal Deadline:

None

Abstract:

This Reinventing Government initiative will amend our regulations regarding reports of earnings to the Social Security Administration (SSA) required of beneficiaries who work and earn more than the applicable exempt amount. Beneficiaries under age 70, who work and earn more than the applicable exempt amount, are required by law to report their earnings to SSA within three months and 15 days following the close of their tax year (usually April 15). As a result of our ongoing efforts both to improve customer service and to reduce the public's paperwork burden, we will change our regulations to state that we will accept, for most beneficiaries, the W-2 report filed by the employer with SSA, and/or the self-employment income tax return filed by the beneficiary with the Internal Revenue Service (IRS) as the report of earnings. We will use the information (wages and net earnings from self-employment) contained in those reports to adjust benefits under the earnings test.

Statement of Need:

This regulation is necessary to implement a Reinventing Government initiative.

Summary of the Legal Basis:

These changes are not required by statute or court order.

Alternatives:

None.

Anticipated Costs and Benefits:

This change is proposed in order to help the Agency improve its service to the public by reducing the public reporting burden associated with the annual report of earnings. This reduction will permit the Agency to divert its resources to other workloads, such as processing claims for benefits and responding to telephone inquiries. We estimate that this change will, when implemented, will reduce the annual public reporting burden by 330,833 hours, the amount currently associated with the completion and filing of forms SSA-777 and SSA-7770 (OMB Control Number 0960-0057).

Risks:

This change in mandatory annual reporting of earnings should pose no risks to our customers.

Timetable:

Action	Date	FR Cite
NPRM	01/00/97	
Final Action	00/00/00	

Small Entities Affected:

Undetermined

Government Levels Affected:

Undetermined

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SSA**152. • QUALITY REVIEW OF ADMINISTRATIVE LAW JUDGES' DECISIONS****Priority:**

Other Significant

Reinventing Government:

This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority:

31 USC 3720A; 42 USC 401(j); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 421(d); 42 USC 423(h); 42 USC 425; 42 USC 902(a)(5); PL 96-265, sec 304(g)

CFR Citation:

20 CFR 404.900ff; 20 CFR 416.1400ff

Legal Deadline:

None

Abstract:

These regulations are in furtherance of our published Plan for a New Disability Claim Process and, specifically, the quality assurance aspect of that Plan (59 FR 47918). This initiative provides for a preeffectuation review of a sample of decisions made by Office of Hearings and Appeals (OHA) administrative law judges. Decisions that appear to be unsupported by the evidence of record will be forwarded to the OHA Appeals Council for review in accordance with 20 CFR 404.970 or 416.1470. These regulations will set out the procedures by which we will identify and refer these cases to the Appeals Council for quality review under its existing authority to review cases on its own motion.

Statement of Need:

This regulation is necessary to implement one of several process unification initiatives approved by the Commissioner on July 8, 1996.

Summary of the Legal Basis:

None.

Alternatives:

None.

Anticipated Costs and Benefits:

We do not anticipate any additional program or administrative costs.

Risks:

At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	
Final Action	04/00/97	

Small Entities Affected:

None

Government Levels Affected:

Federal

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SSA**153. • IMPLEMENTING MODIFICATIONS TO PREHEARING PROCEDURES AND DECISIONS BY ADJUDICATION OFFICERS (616P)****Priority:**

Other Significant

Reinventing Government:

This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority:

31 USC 3720A; 42 USC 401(j); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 421(d); 42 USC 425; 42 USC 902(a)(5)

CFR Citation:

20 CFR 404.943 (New); 20 CFR 416.1443 (New)

Legal Deadline:

None

Abstract:

We are amending our rules to implement use of an adjudication officer, who, under the Plan for a New Disability Claim Process approved by the Commissioner of Social Security in September 1994 (the disability redesign plan), would be the focal point for all prehearing activities when a request for a hearing before an administrative law judge (ALJ) is filed. The adjudication officer position is an integral part of the disability redesign plan. These proposed rules will add several new sections setting out the responsibilities of the adjudication officer in connection with a claim for Social Security or Supplemental Security Income (SSI) benefits based on disability.

Statement of Need:

These regulations are needed to implement a major initiative discussed in the Plan for a New Disability Claim Process approved by the Commissioner of Social Security in September 1994 (the disability redesign plan).

Summary of the Legal Basis:

None.

Alternatives:

None.

Anticipated Costs and Benefits:

No program costs are expected. There will be some administrative costs as a result of setting up these new positions in the field offices. However we expect these costs to be offset by subsequent processing efficiencies resulting in significant administrative savings.

Risks:

At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
NPRM	01/00/97	
Final Action	06/00/97	

Small Entities Affected:

None

Government Levels Affected:

Federal

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SSA

154. • WEIGHT OF DISABILITY DETERMINATION SERVICES' MEDICAL PSYCHOLOGICAL CONSULTANT'S OPINIONS

Priority:

Other Significant

Legal Authority:

42 USC 405(a); 42 USC 405(b); 42 USC 902(c)(5); 42 USC 1382C; 42 USC 221

CFR Citation:

20 CFR 404.1502; 20 CFR 404.1512; 20 CFR 404.1513; 20 CFR 404.1519; 20 CFR 404.1527; 20 CFR 416.902; 20 CFR 416.912; 20 CFR 416.913; 20 CFR 416.919; 20 CFR 416.927

Legal Deadline:

None

Abstract:

We propose to revise our disability regulations to clarify the weight

administrative law judges and the Appeals Council are to give to opinion evidence from State agency medical and psychological consultants, other program physicians and psychologists, and medical experts in claims for disability benefits under title II and title XVI of the Social Security Act.

Statement of Need:

This regulation is necessary to implement one of several process unification initiatives approved by the Commissioner on July 8, 1996.

Summary of the Legal Basis:

None.

Alternatives:

None.

Anticipated Costs and Benefits:

We do not anticipate any additional program or administrative costs.

Risks:

At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	
Final Action	04/00/97	

Small Entities Affected:

None

Government Levels Affected:

Federal

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SSA

FINAL RULE STAGE

155. CYCLING PAYMENT OF SOCIAL SECURITY BENEFITS (558F)

Priority:

Economically Significant. Major under 5 USC 801.

Reinventing Government:

This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority:

42 USC 405(a); 42 USC 407; 42 USC 902(a)(5); 42 USC 401(j); 42 USC 405(b); 42 USC 405(d) to 405(i); 42 USC 421(d); 42 USC 405(i); 42 USC 909

CFR Citation:

20 CFR 404.1805; 20 CFR 404.903

Legal Deadline:

None

Abstract:

This Reinventing Government initiative will result in staggered payment to new beneficiaries over a number of payment dates throughout the month to eliminate workload spikes and allow the Social Security Administration to provide better customer service without adding staff. Current beneficiaries and all Supplemental Security Income recipients will be unaffected by these regulatory changes.

Statement of Need:

This regulation is necessary to implement a Reinventing Government initiative.

Summary of the Legal Basis:

These changes are not required by statute or court order.

Alternatives:

None

Anticipated Costs and Benefits:

Payment cycling is both an immediate and long-term strategy to help the Agency improve service and better manage its resources. By leveling workloads, it will allow the public better access to SSA's field office and toll-free 800 number services. While the change in payment patterns may result in some incidental savings from management and operational efficiencies, cycling is not expected to produce significant workyear savings. Cycling will benefit the business and banking communities in that they will be better able to utilize their resources throughout the month to serve their customers. Cycling will reduce the risk to the Federal government, the financial community, and to beneficiaries by reducing the volume of financial transactions passing through the payment system at any one time in the month.

Because benefits will be disbursed later in the month, the OASDI trust funds will accrue additional interest payments that will result in an average annualized transfer to the trust funds between fiscal years 1997-2001 of \$115

million with the May 1, 1997 effective date. This is neither a net benefit to society, nor a net cost. (Rather it is a transfer to the trust funds which results from extending the dates on which new beneficiaries would otherwise receive their payment.)

Risks:

This change to payment cycling, which will affect new beneficiaries who file claims on or after the effective date of the final rule, should pose no risks to our claimant population.

Timetable:

Action	Date	FR Cite
NPRM	01/26/96	61 FR 2654
NPRM Comment Period End	03/26/96	
Final Action	12/00/96	

Small Entities Affected:

Businesses

Government Levels Affected:

Federal

Additional Information:

This regulation change is expected to provide better service to the public by avoiding the heavy workloads which occur for the 800 number, field offices, banks, post offices, etc., when the checks come out only once a month.

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SSA

156. • CHILDHOOD DISABILITY

Priority:

Economically Significant

Legal Authority:

42 USC 405(a); 42 USC 902(a)(5); PL 104-193

CFR Citation:

20 CFR 404.1500 app 1; 20 CFR 416.901; 20 CFR 416.906; 20 CFR 416.911; 20 CFR 416.912; 20 CFR 416.913; 20 CFR 416.919a; 20 CFR 416.919n; 20 CFR 416.924; 20 CFR 416.924a to 416.924e; 20 CFR 416.925; 20 CFR 416.926a; 20 CFR 416.927; 20 CFR 416.929; 20 CFR 416.987 (New); ...

Legal Deadline:

Other, Statutory, November 1996.

90 Days After Enactment

Abstract:

These regulations will implement provisions of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (Welfare Reform), which eliminate the comparable severity standard for children and provides instead that a child under age 18 be considered under a disability if he/she has a medically determinable impairment which results in marked and severe functional limitations and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. These new childhood disability eligibility criteria are applicable to individuals whose claims for child's disability benefits are filed on or after August 22, 1996, and those whose claims were not "finally adjudicated" as of August 21, 1996. In addition, these new eligibility criteria

will also apply when redetermining a child's continuing eligibility for benefits.

Statement of Need:

This regulation is necessary to implement provision of P.L. 104-193.

Summary of the Legal Basis:

These regulations are required by P.L. 104-193.

Alternatives:

None.

Anticipated Costs and Benefits:

As required by the legislation we will review the claims of certain children currently receiving SSI Disability benefits. Benefits will be terminated for some of these children, and others who file new applications will be denied under the new standard.

Risks:

At this time we have not identified any risks associated with the proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/96	

Small Entities Affected:

None

Government Levels Affected:

Federal

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